

REMARKS

In the Office Action of April 23, 2003, the examiner rejected claims 1-8, 10, 14, 17-20, 22, 28 and 29 under 35 U.S.C. 103 based on Klein. Claims 9 and 21 were rejected under 35 U.S.C. 103 over Klein in view of de Haas, et al. Claims 11-13 and 23-25 were rejected under 35 U.S.C. 103 over Klein in view of Chien. Claims 15, 16, 26 and 27 were rejected under 35 U.S.C. 103 over Klein in view of Amacker.

Applicant respectfully traverses the rejections of the claims as obvious and submits that as amended herein, the claims currently in the application are patentably distinguishable over the prior art and should be allowable.

Referring first to claim 1, it recites a lighted line comprising an elongate flexible wire formed light source generating laterally radiating light, an electrical power source, and an elongate flexible covering extending about the light source, the covering comprising an elongate rope having an axially extending opening through which the light source extends and constructed to permit light radiating from the light source to pass therethrough.

Against claim 1 as previously presented, the examiner cited Klein. However, a review of Klein shows that it does not provide an elongate rope having an axially extending opening through which the light source extends axially, with the rope constructed to permit light radiating from the light source to pass therethrough. Instead, Klein discloses only a cable 18 alongside an elongate light source.

With the rope recited in Applicant's claim 1 having an axially extending opening through which the light source extends, a protective covering is provided for the flexible wire formed light source and still is constructed to permit light radiating from the light source to pass therethrough. The rope provides tensile strength for the line which is distributed somewhat consistently about the wire formed light source and also provides a protective covering and cushioning against external forces which might otherwise impinge upon the wire formed light source and cause damage thereto.

Although Klein discusses the possibility of the elongate light source either being straight as shown or wrapped or twisted around the cable 18, neither of these suggested dispositions of the cable and light source provide added protection for the light source, since the light source itself would always be external of the cable 18 and thus would not be able to provide additional coverage and protection for the light source.

The elongate rope set out in Applicant's claim 1 having an axially extending opening through which the light source extends and is constructed to permit light radiating from the light source to pass therethrough is neither disclosed nor suggested by Klein or any of the other prior art references cited. It is therefore respectfully submitted that such is not made obvious by the Klein reference or any others cited and thus claim 1 should be allowable.

Claim 5 recites that the rope comprises a braided rope. Such construction provides good tensile strength and protective covering while permitting light to pass laterally therethrough.

Claim 6 further recites an elongate flexible translucent tube having a central bore through which the rope and light source extend. This tube provides added protection for the enclosed rope and light source and permits light to emanate from the light source through the rope.

It is respectfully submitted that structure as recited in claims 5 and 6 is neither suggested nor disclosed in the Klein reference, and these claims should be allowable along with their parent claim 1.

Claims 9-16 depend either directly or indirectly from amended claim 1, recite with greater specificity structural features of the invention, and should be allowable along with their parent claim 1.

Independent claim 17 recites an elongate lighted lifeline with structure somewhat similar to that previously recited for claim 1, and further including a first connector coupled to one end of the covering and a second connector coupled to the other end of the covering. Since claim 17 recites structure somewhat similar to that set out in claim 1, it is respectfully submitted that claim 17 also should be allowable over the Klein reference for the reasons set out above in regard to claim 1.

Claim 18 recites that the rope comprises of braided rope. Claim 19 recites that the covering comprises an elongate flexible translucent tube having a central bore through which said light source and rope extend. These two claims depend from claim 17, recite structure which is somewhat similar to that previously discussed in regard to claims 5 and 6, and should be allowable along with their parent claim 17.

Claims 21-29 depend either directly or indirectly from independent claim 17, recite with greater specificity structural features of the invention, and should be allowable along with their parent claim 17.

New claims 30-39 have been added. Independent claim 30 recites a lighted line comprising an elongate flexible wire-formed light source capable of generating laterally radiating light, an electrical power source, and an elongate flexible covering extending about the light source, the covering comprising an elongate tension-resisting member extending about the light source constructed to permit light radiating from said light source to pass therethrough and an elongate flexible translucent tube having a central bore through which said tension-resisting member and light source extend.

Applicant respectfully submits that new independent claim 30 should be allowed over Klein for many of the same reasons set out above in regard to claim 1. Here, rather than reciting a rope having an axially extending opening therethrough, applicant has recited an elongate tension-resisting member extending about the light source and an elongate flexible translucent tube through which the tension-resisting member and light source extend. Again, by having the tension-resisting member extending about the light source, good tensile strength is provided for the line which is distributed somewhat consistently about the wire-formed light source and protective covering and cushioning against external forces is provided for the light source.

Klein neither discloses nor suggests such structure and thus new claim 30 should be allowable also.

New claims 31-39 depend either directly or indirectly from new claim 30, recite with greater specificity structural limitations of the lighted line and should be allowable along with their parent claim 30.

Although the examiner has cited the de Haas, Chien, and Amacker patents in combination with Klein in rejecting several of the claims on the basis of obviousness, it is respectfully submitted that these added cited references do not overcome the failings of the Klein reference in regard to the independent claims and thus they do not serve to make Applicant's claims herein obvious.

It is respectfully submitted that all of the claims now in the application are patentably distinguishable over the prior art cited or any proper combination thereof, and all claims in the application now should be allowable.

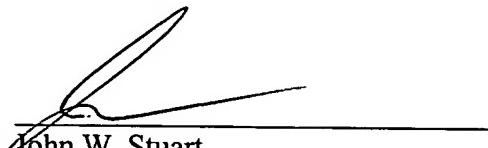
Should the examiner be of the opinion that this amendment does not place the application in condition for allowance and that a telephone conversation would be helpful in moving the

application to an expeditious conclusion, the examiner is respectfully requested to telephone Applicant's attorney whose name and telephone number are listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


John W. Stuart
Registration No. 24,540

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446